IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1251 of 2005

Between:

P.Balaswamy, S/o.Late Veeraiah
R/o.1-1-500/A 4th Ward, Nehru Nagar, Suryapet, Nalgonda District.

..... PETITIONER

AND

1 The Depot Manager, APSRTC, Bus Depot, Miryalaguda, Nalgonda District.
2 The Depot Manager, APSRTC Bus Depot, Kodad, Nalgonda District.

.....RESPONDENT(S)

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or direction particularly one in the nature of writ of Certiorari quash the impugned punishment of deferring annual increments for a period of (6) months with cumulative effect vide Proc.No.P2/1(8)/97-MLG dt.25.4.1998 as arbitrary in violation of reg.12 (2) of APSRTC, C.C. & A Reg.1967 and direct the 2nd respondent to restore the deferred increments along with all consequential benefits in the interest of justice and fair play.

Counsel for the Petitioner:MR.V.NARASIMHA GOUD

Counsel for the Respondent No.: MR.V.T.M.PRASAD

The Court made the following :

O R D E R:

The petitioner is working as a conductor in the respondent-Corporation. He was issued a charge memo on 25-02-1997 and after receiving the explanation final order was passed on 25-04-1998 imposing major penalty of with-holding annual increment for a period of (6) six months with cumulative effect. The petitioner questioned the said order on the ground that postponing the annual increment without conducting a regular enquiry in the department itself is bad and contrary to the Rules and Regulations.

2. The learned counsel for the petitioner relied on a judgment of the Supreme Court in **Kulwant Singh Gill v. State of Punjab** wherein the Supreme Court held that since the punishment imposed on the petitioner is a major punishment, the order cannot be sustained without an enquiry. The petitioner, therefore seeks to declare the order as illegal and it is liable to be set aside.

3. The petitioner after receiving the adverse orders slept over the matter for a period of 6 years. There are laches on his part in asserting his right regarding this issue. Though the impugned order is liable to be set aside with regard to non-conducting of enquiry and in view of the judgment of the Supreme Court in the decision (cited

supra). I am of the view that it would be appropriate if the punishment imposed on the petitioner is treated as reduction of six months annual increments without cumulative effect. But, in view of long lapse of time in filing the writ petition, the petitioner is not entitled to the difference of the amount, if any, by virtue of this order for the period from the date of the impugned order till the date of this order. However, he is entitled to get increments on notional calculation from the date of this order to which he is entitled to, as he has been imposed penalty of reduction of annual increments for a period of (6) six months without cumulative effect.

4. The Writ Petition is accordingly disposed of with the above observations. No order as to costs.

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1st February, 2005.

mrb

To

1 The Depot Manager, APSRTC, Bus Depot, Miryalaguda,

Nalgonda District.

2 The Depot Manager, APSRTC Bus Depot, Kodad, Nalgonda

District.

3. Two CD Copies.